

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

TERRENCE HORNSBY                               §  
VS.   §      CIVIL ACTION NO. 1:06cv849  
DIRECTOR, TDCJ-CID                           §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Terrence Hornsby, an inmate confined at the Pack Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

## Discussion

Title 28 U.S.C. § 2254(a) allows a district court to "entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court ...." 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus either in the district where the petitioner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d).

Petitioner complains of a conviction from the 368th District Court of Williamson County, Texas. Williamson County is located in the Austin Division of the Western District of Texas. Petitioner is incarcerated at the Pack Unit. The Pack Unit is located in the Southern District of Texas.

As petitioner is not incarcerated in the Eastern District of Texas and is not complaining of a conviction which occurred in the Eastern District, this court lacks jurisdiction over the

petition. As all records concerning the conviction being challenged are located in Williamson County, the court is of the opinion it would be in the interests of justice to transfer this petition to the Austin Division of the United States District Court for the Western District of Texas. A transfer order so providing shall be entered.

**SIGNED** this 3 day of January, 2007.

  
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KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE